

UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 19 2004

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte THOMAS GILCHRIST  
and  
DAVID MICHAEL HEALY

Application No. 09/424,811

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 25, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On April 25, 2003, appellants filed a "Motion for One-Month Extension of Time to File Reply Brief" with a "Declaration of Applicant's Counsel in Support of Motion for One-Month Extension of Time to Submit Reply Brief," which was later followed on April 28, 2003, with a "Declaration of Applicant's Counsel in Support of Motion for One-Month Extension of Time to Request Oral Hearing."

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In addition, on May 27, 2003, appellants filed a "Motion for Two-Month Additional Extension of Time to Submit Reply Brief" with a "Declaration of Applicant's Counsel in Support of Motion for Additional Two-Month Time Extension to Submit Reply Brief."

Consequently, on July 28, 2002, appellants filed a "Motion for Second Two-Month Extension of Time to Request Oral Hearing," a "Declaration of Applicant's Counsel in Support of Motion for Second Two-Month Time Extension to Request Oral Hearing," and a "Motion for Second Two-Month Extension of Time to Submit Reply Brief." However, a review of the electronic file wrapper reveals that appellants have not filed neither a Reply Brief nor a Request for Oral Hearing on or before the end of the requested time extension period expiring on September 29, 2003. Furthermore, the examiner has not notified appellants' in writing as to whether appellants' Motions for Extensions of Time have been granted.

Accordingly, it is

ORDERED that this application is returned to the examiner to resolve the following issues:

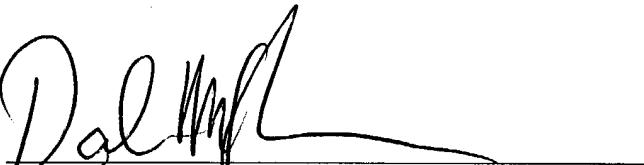
(1) to notify appellants to resubmit evidence that a Reply Brief and Request for Oral Hearing were timely submitted,

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(2) to notify appellants in writing as to whether the Motions for Extensions of Time filed April 25, 2003, May 27, 2003 and July 28, 2003 have been granted, and  
(3) for such further action as may be appropriate.

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By:



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